

The Application is for full planning permission for the demolition of the existing dwelling and construction of a replacement dwelling.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expires on the 28th June 2019, however the determination period has been extended to the 19th July 2019 by agreement.

RECOMMENDATION

PERMIT subject to conditions relating to:

- i) Standard time limit**
 - ii) Approved plans**
 - iii) Materials as per approved plans and application form**
 - iv) Prior approval of finished floor level of dwelling, and finished ground levels of the garden.**
 - v) Removal of permitted development rights for extensions, outbuildings and hardstandings**
 - vi) Soft landscaping scheme to include full details of boundary treatments**
 - vii) Completion of access, parking and turning areas prior to occupation**
 - viii) Approval of details of means of surface water drainage for the parking and turning areas**
- Provision of an electric vehicle charging point for one vehicle**

Reason for Recommendation

The proposed replacement dwelling would be materially larger than the building it replaces and therefore constitutes inappropriate development in the Green Belt. However, the applicant could carry out extensions to the existing property that would result in a dwelling of a greater volume to that proposed. The proposed dwelling would have no greater impact on the openness of the Green Belt than would the existing dwelling if extended. In addition the applicants have a further fall-back position in that they could implement an extant planning permission for a larger replacement dwelling (17/00564/FUL) than is now proposed which would have a greater impact on the openness of the Green Belt. These are fall-back positions.

The existing property, due to its poor state of repair, is visually harmful and the proposal constitutes a significant improvement in the overall appearance of the site.

In light of the fall-backs and that the development will improve the appearance of the site in a significant way it is considered that very special circumstance exist that justify approval of planning permission subject to the removal of permitted development rights and conditions.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for full planning permission for a replacement dwelling involving the demolition of the existing dwelling.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

This application follows the granting of planning permission for a replacement dwelling in 2017 (17/00564/FUL). That proposal was considered to be acceptable in respect of residential amenity and highway safety.

The dwelling as currently proposed is on the same building line as the dwelling approved, repositioned 7m to the west. Notwithstanding the new position, the relationship of the dwelling as proposed in this application to the existing surrounding dwellings is similar or better than in the approved scheme, complies with the SPG on Space about dwellings, and as such further consideration of this issue is not now required.

A larger area of hardstanding is proposed in the current application when compared to the approved scheme. On this basis it is considered that the condition recommended by the Highway Authority requiring details of the means of surface water drainage for the parking and turning area is justified, for reasons relating to more than just issues of highway safety, even though such a condition was not recommended by them in their comments on permitted scheme and was not included in the decision that was issued. The Highway Authority did not recommend restrictions on vehicles associated with the construction to be outside of the Castle Primary School arrival and departure times in commenting upon 17/00564/FUL and it is considered that it would be inconsistent to impose such a condition now given that there has been no material change in circumstances.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Design of the proposals and the impact on the area of landscape restoration, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 133 of NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF indicates in paragraph 145 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.

The existing property consists of a small, partially single/partially two storey cottage and a lean to ‘garage’ at the rear of the remaining wall of a section of the original building which has been demolished / fallen down. The supporting information previously provided calculates that the existing building amounts to 171.9m³ in volume. The dwelling that is now proposed measures approximately 380m³. In light of this it can only be concluded, given the volume increase proposed, that the replacement dwelling is materially larger than the dwelling it replaces. It is therefore inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Design of the proposals and the impact on the area of landscape restoration

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear

expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

Saved Local Plan Policy N21 seeks to restore the character of the area's landscape and improve the quality of the landscape. Within such an area it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The existing property occupies a backland position at a higher level than existing properties that directly front onto Mow Cop Road. It is not visible in views from Mow Cop Road but given that public footpath no. 110 Kidsgrove runs by the eastern boundary of the site it can be seen from public vantage points and the dilapidated appearance of the existing building is visually harmful.

The proposed replacement dwelling is single storey and has the appearance of a bungalow. The proposed dwelling occupies a larger footprint than the existing cottage but is of a similar height. The design and appearance of the dwelling as proposed is appropriate to this village location and would enhance the appearance of the site quite considerably. The proposed bungalow will, however, be positioned on a sloping site which will result in the need for some levels alterations and to ensure that the finished levels are acceptable it is necessary to include a condition requiring their approval.

There are no significant landscape features within the site that will be removed or adversely affected by the proposed. Therefore in summary the proposed replacement dwelling, whilst larger, would be an improvement within the landscape which would comply with saved policy N21 of the Local Plan and the general design requirements outlined in the NPPF. It is therefore considered acceptable in terms of such policies.

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF sets out that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It further indicates that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In granting planning permission under reference 17/00564/FUL it was accepted that the existing property had full permitted development rights and that extensions, alterations and outbuildings could be carried out without planning permission. Such extensions to the existing property would have resulted in a dwelling of a greater volume to the dwelling considered and approved in application 17/00564/FUL and as such it was concluded that the dwelling in that case would have no greater impact on the openness of the Green Belt than would the existing dwelling if extended. The same fall-back position applies in this case as the dwelling now proposed is also smaller in volume when compared to the existing dwelling as enlarged through permitted development rights.

In respect of the application now under consideration there is a further fall-back position as the applicants could implement the extant planning permission 17/00564/FUL which is for a larger replacement dwelling (and which, at 429m³, would have a greater impact on the openness of the Green Belt than the dwelling currently proposed (which is approximately 380m³).

In granting planning permission under 17/00564/FUL it was accepted that the development would result in a visual improvement as a result of the replacement of a dwelling.

The fall-back position and the visual improvement arising from the development were considered to constitute the required very special circumstances and this applies in respect of the current application also.

Given the nature of the very special circumstances demonstrated it is necessary and appropriate to remove permitted development rights and notwithstanding the submission this should include the removal of permitted development rights for outbuildings as well as extensions and hardstandings.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Strategic Aim 16:	To eliminate poor quality development;
Policy SP1:	Spatial Principles of Targeted Regeneration
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3:	Development in the Green Belt
Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N17:	Landscape Character – General Consideration
Policy N21:	Area of Landscape Restoration

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Relevant Planning History

In 1983 planning permission was granted for the demolition of 2 cottages and erection of a house with garage reference N12190. This permission was not implemented and is no longer extant.

In 2015 planning permission was refused for the demolition of existing dwelling and construction of a replacement dwelling (15/00393/FUL).

A subsequent application, again for the demolition of existing dwelling and construction of a replacement dwelling was refused in 2016 (16/00389/FUL) for the following reason:

- 1. The proposed development is inappropriate development in the Green Belt as the proposed building is not in the same use as the building it replaces, as its residential use has been abandoned, and the replacement building is materially larger than the existing. No material considerations of any weight exist as to clearly outweigh the harm that would be caused by such inappropriate development and accordingly the required very special circumstances do not exist. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.*

The subsequent appeal was dismissed. The Inspector, in dismissing the appeal, did not agree that the residential use of the building had been abandoned but did accept that the proposal involved inappropriate development as the replacement dwelling at double the volume of that which it was replacing was materially larger than the existing.

Following the appeal a further application was submitted for a replacement dwelling which was permitted (17/00564/FUL)

Views of Consultees

The **Environmental Health Division** requests the following conditions:

- Restrictions to permitted hours of work during construction
- Electric vehicle charging point.

The **Highway Authority** raises no objections subject to conditions securing details of means of surface water drainage for the parking and turning areas and restrictions on vehicles associated with the construction at Castle Primary School arrival and departure times during term times.

The County Council's **Rights of Way Officer** advises that the submitted plans do not recognise the existence of Public Footpath No 110 Kidsgrove which runs next to the eastern boundary of the development site. It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. If there is a private right to use with vehicles then the fact that the route is a public highway takes precedence and needs to be stressed in any planning permission.

United Utilities has no objections.

Kidsgrove Town Council and **Cheshire East Council (adjoining LPA)** have not responded to the consultation by the due date and as such it is assumed that they have no comments.

Representations

One representation has been received raising concerns about surface water run-off from the house and parking area, and the issue of loss of privacy as a result of the changed position of the dwelling.

Applicant/agent's submission

Application forms and plans have been submitted along with a Planning/Design and Access Statement. These documents are available via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00341/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th June 2019